

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO
LAS CRUCES DIVISION**

JUN CARLOS LEON-HERRERA	§	
<i>Plaintiff</i>	§	
	§	
v.	§	CIVIL ACTION NO. 2:24-CV-00153
	§	
BAR-S FOODS CO D/B/A SIGMA FOODS	§	
AND JORGE ZUNIGA ISAIS D/B/A RVJ	§	
TRANSPORT	§	
<i>Defendants</i>	§	

**PLAINTIFF’S UNOPPOSED MOTION TO EXTEND TIME TO FILE
RESPONSE TO DEFENDANT’S MOTION TO DISMISS**

NOW COMES Plaintiff, **JUAN CARLOS LEON-HERRERA** (hereinafter “Plaintiff”), and submits this Unopposed Motion to Extend Time to File Response to Defendant’s 12(b)(6) Motion to Dismiss. In support of this motion, Plaintiff states as follows:

PERTINENT FACTS AND BACKGROUND

1. Plaintiff filed his *Original Complaint* on 14 February 2024.
2. Defendant Custom Pro Logistics, LLC filed its 12(b)(6) Motion to Dismiss on October 25, 2024. The current deadline for Plaintiff to file their response to Defendant’s motion is Friday, November 8, 2024.
3. Plaintiff’s counsel is currently engaged in the preparation for trial in a matter set in District Court of Hildalgo County, Texas, with a pre-trial conference set November 14, 2024. Plaintiff’s counsel is deep into preparing witnesses, drafting pre-trial

pleadings and many other trial related tasks. This has made it difficult for Plaintiff's counsel to adequately prepare the necessary response in this case. Furthermore, the issues raised by Defendant Custom Pro Logistics are complex and require extensive legal research, which Plaintiff's counsel cannot accomplish while preparing for trial in a different case.

5. Plaintiff is requesting an extension of time to prepare and file its response to Defendant's motion to dismiss until December 3, 2024.

6. The requested extension is necessary to allow Plaintiff's counsel adequate time to prepare the response in light of the demands of trial preparation in another matter, and no prejudice will result from granting this request.

7. Counsel for Defendant has indicated that Defendant does not oppose this request for an extension.

WHEREFORE, for the reasons set forth above, Plaintiff respectfully requests that this Honorable Court grant this motion to extend time and for good cause shown, and for any and all other just and equitable relief that this Court deems appropriate.

RESPECTFULLY SUBMITTED,

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CERTIFICATE OF CONFERENCE

I hereby certify that the undersigned counsel conferred via telephone with opposing counsel for Defendant Custom Pro Logistics, on November 6, 2024, on the substance of this Motion, and counsel for Defendant does not oppose the motion.

/s/ JORGE L. ALVAREZ

JORGE L. ALVAREZ

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing has been forwarded to the following counsel of record in accordance with the FEDERAL RULES OF CIVIL PROCEDURE on this the 7th day of November, 2024:

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